

REMARKS

Claims 1-24 were presented for examination, and all have been rejected under either 35 U.S.C. § 112 or 102. Claims 1, 12, and 23 are being amended. In view of the above amendments and the following remarks, reconsideration of the application is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 112

In paragraph 2 of the above mentioned Office Action, claim 2, 10, 13, and 21 were rejected under 35 U.S.C. § 112 because “[i]t is not clear as to how the nodes are run at two different frequencies. The limitation could have multiple meanings including: the frequency at which the processor is run, the frequency of transactions, of the type of connection.” As explained in the Specification, a node in accordance with embodiments of the invention could be a processor, a computer system, a network devices, etc., (page 5, lines 18-20). Those skilled in the art will recognize that two nodes selecting in one or a combination of processors, computer systems, network devices may run at two different frequencies (page 5, lines 11-12). Therefore, the claims are not ambiguous, and, as a result, withdrawal of this 35 U.S.C. § 112 rejection is respectfully solicited.

REJECTIONS UNDER 35 U.S.C. § 102 – Foladare

In paragraph 3, claims 1, 3-9, 11-12, 14-20, and 22-24 were rejected under 35 U.S.C. § 102(e) as being anticipated by US patent number 5,914,472 issued to Foladare (“Foladare”). The rejection of these claims is traversed. Foladare does not teach every elements of the claimed invention.

In brief, claim 1 is about a method for transmitting information from a second node to a first node by identifying a data stream of a data transaction being transmitted from the second node to the first node. The method then stalls the transaction to *insert the information-to-be-transmitted into this data stream*, and resumes the transaction, thereby *allowing the information to be transmitted from the second node via the identified data stream to the first node*. The inserted information is not part of the data transaction when the data transaction starts.

In contrast, Foladare is about controlling the spending limits of an ancillary cardholder (col. 2, lines 19-20), including activities between the transaction card through the card reading device of a merchant and the transaction card service provider.

The cited paragraph of col. 4, lines 16-23 discloses that, after receiving the card information, the transaction amount, and the account information related to the card, the card service provider determines whether the transaction amount exceeds the available credit for this card. The cited paragraph of col. 4, lines 35-40 discloses that if the card transaction amount exceeds the predetermined account holder spending limit, then the card service provider retrieves additional information for the account holder, and then initiates contact with the account holder. The cited paragraph of col. 4, line 38-57 discloses that when contact with the account holder is established, the card service provider informs the account holder that the transaction has exceeded the predetermined spending limit. The card service provider then requests approval/refusal from the account holder for the requested transaction, and, based on the card holder's decision, transmits an approval or refusal code to the merchant.

In these cited paragraphs of Foladare, there is nothing patentably parallel to the claimed feature of stalling the transaction to insert the information into the data stream of the transaction, and resuming the transaction, thereby transmitting the

inserted information from the second node via the data stream to the first node. Even though Foladare discloses the card information, the transaction amount, and the account information, Foladare does not disclose the data stream. Nor does Foladare disclose inserting the information to be transmitted into this data stream. If the approval/refusal code from the account holder is patentably corresponded to the claimed information to be transmitted as asserted by Office Action, then Foladare does not disclose that this approval/refusal code is inserted into the data stream of the card information, the transaction amount, and the account information so that the approval/refusal code can be transmitted via this data stream. In any event, Foladare's approval/refusal code is not transmitted from the second node to the first node as the information to be transmitted in the claimed invention. If the card reading device and the card service provider correspond to the claimed second node and first node, respectively, then, to be parallel to the claimed invention, the approval/refusal code must be transmitted from the card reading the device to the card service provider. However, Foladare's approval/refusal code is transmitted from the card service provider to the merchant. If the card service provider and the merchant correspond to the claimed second node and first node, respectively, then there is no disclosure that the approval/refusal code is inserted into a data stream of a transaction between the card service provider and the merchant.

For the foregoing reasons, claim 1 is patentably distinguished from Foladare, and is therefore patentable. Claims 2-8 depend from claim 1 and are therefore patentable for at least the same reasons as claims 1. Claims 2-8 are also patentable for their additional limitations.

For example, regarding claim 2, Foladare does not disclose that the first node and the second node are run at two different frequencies. Regarding claim 3, there is nothing in Foladare that is parallel to the claimed information, and there is no

disclosure in the cited paragraph of col. 4, lines 48-57 that the information includes instructions for the first node (the card reading device) to perform a task. Regarding claim 4, there is nothing in the cited paragraph of col. 4, lines 48-53 regarding the claimed features of resending some data, removing the first node, removing a part of the first node, restarting the first node, resetting the first node, notifying the first node, authorizing the first node. Regarding claim 5, there is nothing in Foladare that corresponds to the claimed feature of "sending the information in a packet normally used for synchronizing the first node and the second node." Regarding claim 6, there is nothing in Foladare that patentably corresponds to the claimed information that is inserted in a data stream. Therefore, there cannot be having the information in a packet that is not counted as part of the data stream being transmitted from the second node to the first node. Regarding claim 8, there is nothing in the cited paragraph of col. 6, line 4-10 that discloses saving the status of the transaction at the time the transaction is stalled and resuming the transaction based on the saved status.

Claim 9 is patentable for at least the limitations that "the data transaction including a header and a plurality of data pieces; the first node, based on data in the header, counting the data pieces to identify the end of the transaction; the first node counting the packet that includes the information as not part of the data transaction." These limitations are not disclosed in Foladare.

Claims 10 and 11 depend from claim 9 and are therefore patentable for at least the same reasons as claim 9. Claims 10 and 11 are also patentable for their additional limitations as discussed in claims 2 and 3.

Claim 12 recites various limitations corresponding to claim 1 and is therefore patentable for at least these corresponding limitations. Claims 13-19 depend from claim 12 and are therefore patentable for at least the same reasons as claim 12.

Claims 13-19 are also patentable for their additional limitations as discussed in claims 2-8.

Claim 20-22 recite limitations corresponding to claims 9-11 and are therefore patentable for the same reasons as claims 9-11.

Claim 23 recites limitation corresponding to claim 1 and is patentable for the same reasons as claim 1.

Claim 24 recites limitation corresponding to claim 9 and is therefore patentable for the same reasons as claim 9.

SUMMARY

Pending claims 1-24 clearly present subject matter that is patentable over the prior art of record, and therefore withdrawals of the rejections and consideration of the claims are respectfully solicited.

Respectfully submitted,

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